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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,453	03/27/2004	Hua Yang	ALZ0013-00	9333
48394	7590	05/01/2008	EXAMINER	
DIEHL SERVILLA LLC 77 BRANT AVE SUITE 210 CLARK, NJ 07066			BEISNER, WILLIAM H	
			ART UNIT	PAPER NUMBER
			1797	
			NOTIFICATION DATE	DELIVERY MODE
			05/01/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

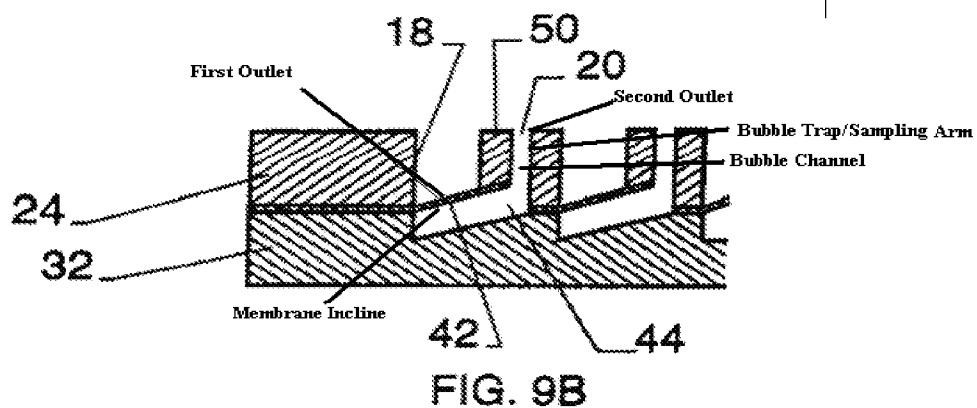
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Mathus (US 5,972,694).

With respect to claim 14, the reference of Mathus discloses a diffusion cell (See Figure 9B) comprising a receptor (44) and donor (18) compartment, wherein the receptor compartment (44) is a single-chambered compartment that includes a first outlet and a second outlet, a diffusion membrane (42) and the donor compartment (18) are positioned over the first outlet, and the second outlet forms a bubble trap and a sampling arm, wherein a bottom surface of the diffusion membrane (42) forms at least a portion of the top surface of the receptor compartment and the first outlet of the receptor chamber is formed such that the portion of the top surface of the receptor compartment formed by the bottom surface of the diffusion membrane inclines upward toward the second outlet (See Figure 9B reproduced hereafter). Note, the incline disclosed by the reference of Mathus meets the claim language “means for removing bubbles located in the top surface extending between the first and second outlets”. Paragraph [0037] of the instant specification and previous versions of claims 16 and 19 evidence that an inclined

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surface as disclosed by the reference of Mathus meets the claim language “means for removing bubbles located in the top surface extending between the first and second outlets”.



Allowable Subject Matter

3. Claims 2 and 7-13 are allowed.
4. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

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5. With respect to the rejection of Claims 2 and 6-19 under 35 U.S.C. 102(b) as being anticipated by Mathus (US 5,972,694), Applicants traverse the rejection for the following reasons (See pages 5-6 of the response filed 10/5/2008):

Applicants respectfully traverse because Mathus fails to show either a bubble channel or means for removing bubbles that is located in the top surface of the receptor compartment. Mathus is directed to a "multi-well plate" and describes in FIG. 9B a membrane that slants upward towards an access port. (Col. 7, lines 50-51). Mathus also shows a top surface that divides the access port. The top surface of Mathus fails, however, to teach or suggest the bubble channel or the means for removing bubbles in the top surface. Because of this, the Office Action fails to provide cited art that recites every claim limitation.

In response, Applicants' comments are not found to be persuasive with respect to claim 14 because claim 14 does not include a positive recitation of "a bubble chamber located in the top surface of the receptor compartment". Claim 14 merely recites "means for removing bubbles that is located in the top surface of the receptor compartment". As stated in the prior art rejection above, the incline disclosed by the reference of Mathus meets the claim language "means for removing bubbles located in the top surface extending between the first and second outlets". Paragraph [0037] of the instant specification and previous versions of claims 16 and 19 evidence that an inclined surface as disclosed by the reference of Mathus meets the claim language "means for removing bubbles located in the top surface extending between the first and second outlets".

Conclusion

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM H. BEISNER whose telephone number is (571)272-1269. The examiner can normally be reached on Tues. to Fri. and alt. Mon. from 6:15am to 3:45pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/William H. Beisner/
Primary Examiner
Art Unit 1797**

WHB